

Chairperson John R. Clark
Vice-Chairperson Michael Parks
Parliamentarian Don Maxwell



Commissioners
Michael Beckendorf
John Bond
Helen Chavarria
Ralph Davila
Robert Horton
G.H. Jones

MINUTES

**BRYAN PLANNING AND ZONING COMMISSION
REGULAR MEETING
THURSDAY, MAY 8, 2008
AT 6:00 P.M.
BRYAN PUBLIC LIBRARY
201 E 26th STREET, BRYAN, TEXAS**

Disclaimer: *The meeting minutes herein are a summarization of meeting procedures, not a verbatim transcription.*

1. CALL TO ORDER.

Chairperson Clark called the regular meeting to order at 6:00 p.m.

Commissioners	Present	2008 Regular Meetings Held	2008 Regular Meetings Attended	Regular Meetings Held During Last 6 Months	Regular Meetings Attended During Last 6 Months
Michael Beckendorf	No	9	6	12	8
Johnny Bond	Yes	9	9	12	12
Helen Chavarria*	Yes	9	8	12	8
John R. Clark	Yes	9	9	12	12
Ralph Davila	Yes	9	9	12	12
Robert Horton	Yes	9	7	12	10
G. H. Jones	Yes	9	9	12	11
Don Maxwell	Yes	9	7	12	10
Michael Parks	Yes	9	6	12	9

*appointed in January 2008

Staff members present were: Mr. Kevin Russell, Director of Planning and Development Services; Ms. Lindsey Guindi, Planning Manager; Mr. Randy Haynes, Staff Planner; Mr. Martin Zimmermann, Senior Planner; Mr. Michael Gary, Assistant City Attorney; and Ms. Kelli Hill, Planning Intern.

2. HEAR CITIZENS.

No one came forward.

3. RECOGNITION OF AFFIDAVITS FILED IN RESPONSE TO STATE LAW ON DISCLOSURE OF LOCAL OFFICIAL'S CONFLICT OF INTEREST.

No affidavits were filed.

4. CONSENT AGENDA.

A. Approval of minutes from April 17, 2008 meeting.

- B. Final Plat FP06-24: Arthur L. Davila Middle School Subdivision** **M. Zimmermann**
Proposed Final Plat for Arthur L. Davila Middle School Subdivision consisting of 30.36 acres of land out of Moses Baine Survey, A-3 located at the east corner of North Texas Avenue and North Earl Rudder Freeway in Bryan, Brazos County, Texas.

- C. Master Plan MP08-03: Green Branch Ridge Subdivision** **M. Zimmermann**
Proposed revised Master Preliminary Plan of Green Branch Ridge Subdivision consisting of 162.25 acres of land out of Richard Perry League, Abstract No. 44 located north from its intersection with Risinger Lane in Bryan's eastern extraterritorial jurisdiction (ETJ) in Brazos County, Texas.

- D. Final Plat FP08-05: Green Branch Ridge Subdivision – Phase 2A** **M. Zimmermann**
Proposed Final Plat of Green Branch Ridge Subdivision – Phase 2A consisting of 3.38 acres of vacant land out of Richard Perry League, Abstract No. 44 located on the north side of Green Branch Loop in Bryan's eastern extraterritorial jurisdiction in Brazos County, Texas.

- E. Master Plan MP08-04: Briar Meadows Subdivision** **M. Zimmermann**
Proposed second revised Master Plan of Briar Meadows Creek Subdivision consisting of 83.01 acres of land out of John Austin Survey, A-2 located between East Villa Maria Road and West Briargate Drive in Bryan, Brazos County, Texas.

- F. Final Plat FP07-35: Briar Meadows Creek Subdivision – Phase 3** **M. Zimmermann**
Proposed Vacating Plat of General Mail Addition and Final Plat of Briar Meadows Creek Subdivision – Phase 3 consisting of 21.21 (44.00) acres of land out of John Austin League, A-2 located between East Villa Maria Road and West Briargate Drive in Bryan, Brazos County, Texas.

Chairperson Clark reminded that approval of Consent Agenda item D. is contingent upon prior approval of Consent Agenda item C. and that approval of Consent Agenda item F. is contingent upon prior approval of Consent Agenda item E. He proceeded to read all four items into the minute record.

Commissioner Maxwell moved to approve all items on the Consent Agenda. Commissioner Chavarria seconded the motion.

Chairperson Clark asked if there was any discussion. There was none.

The motion passed with a unanimous vote.

5. Rezoning RZ08-13: Lauth Property Group, Inc

L. Guindi

A request to change the zoning classification from an Agricultural Open (A-O) District to a Planned Development District (PD) allowing certain office, retail, and commercial uses (including multi-family) on 186.8 acres of land out of Richard Carter Survey, Abstract No. 8, adjoining the east side of State Highway 6 between Briarcrest Drive (F.M. 1179) and University Drive East in Bryan, Brazos County, Texas.

Ms. Lindsey Guindi, Planning Manager, presented a staff report (on file in the Development Services Department). Ms. Guindi stated that the applicants are requesting to change the zoning classification to allow for certain office, retail, and commercial uses on the subject property. As proposed, this will allow uses outlined in the draft development plan. Ms. Guindi stated that this is the second phase of the Lauth development and that, although the development standards and proposed uses are slightly different from the first phase, this second phase will include more office uses as well as more residential development. Staff recommends approval of this request.

Responding to a question from Commissioner Parks, Ms. Guindi stated that the proposal only slightly deviates from ordinary development standards, specifically with regard to screening and outdoor storage, parking area design, and buffers between multi-family and single-family residential uses.

Mr. Kevin Russell, Director of Development Services, responded to questions from the Commission regarding the future alignment of Wildflower Drive. Mr. Russell reminded the Commission that once developers get to the design phase, minor changes to the road alignment may be necessary due to topography.

The public hearing was opened.

Mr. Mike Gentry, 8600 Rosewood Drive, College Station, Texas, representing the applicant, came forward to speak in favor of the request. He stated that the development plan typically would not show any roads but there was some desire from the city to indicate a few roads that would be on the site plan and filed plats.

The public hearing was closed.

Commissioner Jones moved to recommend approval of Rezoning RZ08-13, as requested, accepting the findings of staff. Commissioner Horton seconded the motion.

Chairperson Clark asked if there was any discussion.

Commissioner Parks expressed his confidence in staff's ability to accommodate the developer's plans.

The motion passed with a unanimous vote.

6. Replat RP08-03: Fox Meadow Subdivision

R. Haynes

A proposed replat of Lot 10 and 11 in the Fox Meadow Subdivision consisting of 6.767 acres of land adjoining the southeast side of the 3600 block of Stevens Drive between Shirley Drive and Rabbit Lane in Bryan, Brazos County, Texas.

Mr. Michael Gary, Assistant City Attorney, reviewed standards for approval of subdivision plats.

Mr. Randy Haynes, Staff Planner, presented a staff report (on file in the Development Services Department). Mr. Haynes stated that this replat creates 25 new lots, which are proposed to front a new cul-de-sac street extending perpendicular from Stevens Drive. Mr. Haynes explained that the subdivision plat meets all state and local requirements for approval and that staff recommends approving the proposed replat.

Commissioner Maxwell asked if Common Area A will be a bus stop. Mr. Haynes confirmed that it would be a bus stop and include postal boxes. Ownership would be retained by a homeowners association.

Commissioner Maxwell asked if this particular replat met all city requirements. Mr. Haynes replied that it did meet all requirements for approval.

Commissioner Jones asked if there had been any phone calls about this proposal. Mr. Haynes answered that there had been several people concerned with adding this many lots to that area where there are currently only two lots.

Responding to a question from Commissioner Parks, Mr. Haynes confirmed that all the new lots met the minimum lot size requirement.

The public hearing was opened.

Mr. Dennis Barnes, 3603 Churley Street, Bryan, came forward to speak in opposition to the replat request. He brought up the issue of the pipeline that borders the property. He stated that the old fluid main needs to be addressed.

Mr. P.J. Wardens Jr., 3600 Stevens Drive, Bryan, came forward to speak in opposition to the replat request. He presented signatures of 103 residents of the area who were against the replat. He stated that when the pipelines were put in years ago they were designed to meet a certain number of dwellings for the safety of the general public, and the pipeline is an issue of concern when adding so many lots in a small area. He said that if the lots are only 50 feet wide and 180 feet long, the easement for the pipeline should be about 50 feet at the back end of a home. He stated that homeowners will not be able to build on the back of their lots and asked the Commission to consider nearby resident's concerns and review infrastructure more carefully.

Mr. Larry Jackson, 3713 Helene Drive, Bryan, came forward to speak in opposition to the replat request. He voiced his concern about the sewer system in the area. He stated that crews have to come out once every two months to clean the system. He said that he resides in the lowest part of the area and sewage comes into his yard when it floods or rains and that it will be a bigger problem with more houses.

Mr. Mike Wiederhold, 3712 Shirley Drive, Bryan, came forward to speak in opposition to the replat request. He stated that the property is directly behind his house and presented statements and pictures of flooding at his house in 2007. He stated that with construction, there will be less soil to absorb water.

Mr. Antonin Sanchez, 3704 and 3708 Rabbit Lane, Bryan, came forward to speak in opposition to the replat request. He stated that the residents are losing freedom if the lots are divided. Mr. Sanchez said that he has two acres, and is concerned about kids that can play outside without worrying about crime. He stated that he lives right beside the property in question and he is worried about the people that will live there. He is concerned about the woods that will be disrupted, as well as the sewer, and he wishes that it would be ½ acre for each house.

Ms. Pamela Blackman, 3701 Rabbit Lane, Bryan, came forward to speak in opposition to the replat request. She stated that for one row of houses, the yards would be looking at the yards of 12-13 homes. She stated that she is concerned about the quantity of houses coming in. She said that she has lived there almost 26 years and that it is a quiet neighborhood, but as more housing is being built, the traffic flow becomes more congested. She stated that adding 25 or 26 more homes will increase traffic flow, noise, cars with bass, and children. She suggested one or ½ acre of land per house, which is what most residents in the area have. She is worried about drainage on the property, the electrical demand from the city, and wants the Commission to reconsider the amount of homes.

Mr. Bobby Merchant, 3606 Nancy Street, Bryan, came forward to speak in opposition to the replat request. He asked the Assistant City Attorney if the citizens had a leg to stand on. Mr. Gary answered that legal recourse would have to be through citizens' own private counsel.

Mr. George Curry, 3707 Stevens Drive, Bryan, came forward to speak in opposition to the replat request. He stated that he bought his property in 1978 to not have to deal with a situation such as this. He stated that traffic is bad during morning rush hour on Tabor Road. He also stated that Stevens Drive cannot handle that much traffic coming out of that location. He said that gas lines are another problem and the citizens do not want the development out there.

Mr. Mike Styles, 3705 Rabbit Lane, Bryan, came forward to speak in opposition to the replat request.

Mr. Jeff Duncan, 3707 Elaine Drive, Bryan, came forward to speak in opposition to the replat request. He stated that nobody wants the development, crime will increase, property values will decrease, the roads cannot handle it, and that no one knows if the sewer or electrical systems will work. He said that the 26 lots will be HUD, which will equal more crime. He stated that all current residents of the area get along and all agree that no one wants it. He asked the Commission if they would want 27 mobile homes next to their house. He stated that there are \$100,000 homes out there, which will decrease over night with the development. He stated that residents have paid their taxes, raised their families, and people are going to get hurt. He asked the Commission to not allow it to go forward.

With permission from Chairperson Clark, Mr. Dennis Barnes approached the podium again and provided statistics he acquired from the Bryan Police Department. These included the average speed limit of the area (27 mph), the number of vehicles (680), and the number of violations (1/1600 violated 30 mph). He added that the roads have little asphalt.

Commissioner Maxwell moved to approve the replat as requested, accepting the findings of staff. Commissioner Parks seconded the motion.

Chairperson Clark asked if there was any discussion.

Commissioner Maxwell stated that the replat meets all city requirements, and no one has been able to find or bring up any mistakes on the plat document.

Commissioner Parks stated that state law prescribes that if the replat meets all requirements, there is nothing the Commission can do but to approve it. He stated that even if the Commission does nothing, statutory limitation of a number of days gives false hope to people in here about what can and cannot occur.

Commissioner Bond asked if manufactured homes are allowed under the current zoning of the property. Mr. Haynes said that they were not.

Commissioner Bond applauded the citizens for coming forward and hoped they understood that in some respect the Commission's hands are tied because the plat meets all requirements.

Chairperson Clark expressed his trust in City staff that the sewer will drain and the electrical grid can handle the new homes.

The motion passed with a vote of seven (7) in favor and one (1) in opposition. Commissioner Bond cast the vote in opposition.

7. Planning Variance PV08-07: 112 Moss Street

R. Haynes

A request for approval of a 19 foot variance from the minimum 25-foot front building setback generally required on lots in Mixed Use Residential (MU-1) zoning districts, to legitimize previous installation of a carport that extends within 6 feet of the front property line located at 112 Moss Street on Lots 6 and 7 in Block 6 of the Yeager Addition in Bryan, Brazos County, Texas.

Mr. Randy Haynes, Staff Planner, presented a staff report (on file in the Development Services Department). The staff recommends denying the request for variance, for the following reasons:

- approving this variance will have the affect of adding to an already crowded streetscape and will have undesirable affects on adjoining properties and others in the area;
- approving this variance will add to crowding in an area adjacent to a public park (Sadie Thomas); and
- there is ample space to accommodate the carport structure observing the required 25-foot front setback.

Commissioner Parks asked Mr. Haynes if the slab was created at the time the carport was installed. Mr. Haynes replied that he thought that it was built earlier.

Chairperson Clark asked what brought this issue to the staff's attention. Mr. Haynes responded that he believes a neighbor complained about the carport structure.

Commissioner Jones asked what would happen if the carport were moved back. Mr. Haynes replied that the driveway would need to be extended.

The public hearing was opened.

Joe Hanover, 2100 Vinewood Drive, representing the applicant Michelle Caldwell, 112 Moss Street, Bryan, came forward to speak in favor of the request. Mr. Hanover stated that when he put the carport there, he put it over a slab that already existed, put in by previous owners. He clarified that the carport is 19 feet behind the curb, and 6 feet from the property line.

The public hearing was closed.

Commissioner Maxwell moved to approve Planning Variance PV08-07 for the sole purpose of legitimizing the existing carport structure based on the following findings:

- **Granting the variance will not be detrimental to the public health, safety, and welfare because the larger structure immediately adjacent to it is much more of an object and blocks more of the view than the structure in question;**
- **Granting the variance will not be injurious to adjacent properties and likewise, removing it will cause much more harm to the applicant than removing it will be beneficial to the city; and**
- **This is not an amendment to any ordinance, and any other violations will be corrected in due course.**

Commissioner Jones seconded the motion.

Chairperson Clark asked if there was any discussion.

Commissioner Parks expressed the need for discussion about a public awareness campaign addressing the issue of when building permits are required.

Chairperson Clark pointed out that the motion is very specific to this structure and that the Commission is not granting the right to the applicant to do anything else.

The motion passed with a unanimous vote.

8. Planning Variance PV08-08:1701 E 27th Street

R. Haynes

A request for approval of a 10 foot variance from the minimum 25-foot front building setback to permit construction of a carport that extends within 15 feet of the front property line and a request for approval of a 3 ½ foot variance from the minimum 7 ½ foot side building setback generally required on lots in Residential District 5000 (RD-5) zoning districts, to permit construction of a carport that extends within 4 feet of the front property line located at 1701 E 27th Street on Lot 27 of the H.F. Jones Addition in Bryan, Brazos County, Texas.

Mr. Randy Haynes, Staff Planner, presented a staff report (on file in the Development Services Department). He stated that the proposed carport will encroach into the front and side setbacks and

will be about 15 feet from the front property line. Staff believes that granting these variances can potentially have the effect of creating a crowded streetscape; he then presented pictures of the streetscape to the commission. He stated that if every house on the street had a carport, the streets will become crowded, and that when the subdivision was designed, it had 30 foot setbacks which were intended to be generous. Staff recommends denying the requested variances for reasons of crowding and safety.

Commissioner Parks asked what had happened to the carport that was already in use, and pointed out that it appeared as though 1603 and the property adjacent to it also had carports in front. Mr. Haynes confirmed his observation, and stated that he was not sure what happened to the old carport; he said that research showed a carport existed on the property in 2002, but it was no longer there.

Commissioner Parks then clarified that the applicant was asking for permission, not for forgiveness for the carport. Mr. Haynes confirmed this observation. He also stated that he had received letters from the applicant's neighbors supporting the request for the variance.

The public hearing was opened.

Mr. Leeroy Franklin Jr., 1701 E. 27th Street, Bryan, applicant, came forward to speak in favor of the request. He stated that the old carport almost fell down, so he took it down.

The public hearing was closed.

Commissioner Bond moved to approve Planning Variance PV08-08, based on the following findings:

- **The new carport will not create any type of public health, safety, and welfare problem;**
- **Due to the existing residential carports on adjacent properties, the new carport will not create a problem with the streetscape along 27th Street; and**
- **Granting this variance will not create a problem or take away from the aesthetics of the existing structures.**

Commissioner Jones seconded the motion.

Chairperson Clark asked if there was any discussion.

Commissioner Parks stated that on this proposal, it is hard to say no to this when the Commission already approved another. His concern is that these carports will enclose over time and it will change the landscape and streetscape to either the good or the detriment depending on the eye of the beholder. He stated that given the fact that the Commission has seen so many of these types of requests, it may need to look at the ordinance for future remedies with respect to carports. He is concerned that anybody can build a carport and the structure will be approved, and that the more that are presented to the Commission, the more it illustrates the need to look at the process with respect to carports.

Commissioner Davila had concerns about the ordinance and the continuation of granting variances for carports and emphasized that it will need to be addressed at some point.

Chairperson Clark stated that he did not want to forget the fire implications of the approval, especially on the side setbacks and the implications for a fire access hazard.

The motion passed with a vote of seven (7) in favor and one (1) in opposition. Commissioner Horton cast the vote in opposition.

9. Planning Variance PV08-09: 427 Dellwood

R. Haynes

A request for approval of a variance from the development standard that disallows head-in parking at commercial businesses located at 427 Dellwood on Lot 1, Block 6 of the Mitchell–Lawrence–Cavitt Addition in Bryan, Brazos County, Texas.

10. Planning Variance PV08-10:427 Dellwood

R. Haynes

A request for approval of a 3.92-foot variance from the minimum 7.5-foot side building setback generally required on lots in Retail (C-2) zoning districts located at 427 Dellwood on Lot 1, Block 6 of the Mitchell–Lawrence–Cavitt Addition in Bryan, Brazos County, Texas.

Mr. Randy Haynes, Staff Planner, presented a staff report (on file in the Development Services Department). Mr. Haynes stated that PV 08-09 and 08-10 will be presented together, but considered separately. He stated that the previous building had been destroyed by fire last year and the applicant would like to rebuild in the same location. He said that in the back of the property, there is a grove of significantly-sized oak trees and the applicant would like to not disturb those in order to provide additional parking. He stated that the arrangement of the parking spaces is the issue, and that staff recommends denial of Planning Variance PV 08-09 because of the availability of alternatives. Mr. Haynes went on to say that staff recommends approving the side setback variance requested with Planning Variance PV 08-10, on the conditions of finding the existing slab viable for use, and that the variance should only be for the express purpose of the existing footprint and any additions should meet city setback standards.

Commissioner Maxwell clarified that the applicant can build on the existing slab but cannot run the wall 3 feet from the property line without approval of the variance PV 08-10. Mr. Haynes confirmed this observation.

Commissioner Parks asked if there were any other occurrences of head-in parking in the area. Mr. Haynes confirmed that Clayton's Restaurant and Prosperity Bank both have head-in parking.

Commissioner Parks asked if there would be enough space on the property to meet the parking needs of the commercial retail uses. Mr. Haynes confirmed that it would.

Commissioner Parks clarified that head-in parking has existed at the site since it was developed in the late 1960s. Mr. Haynes confirmed.

Commissioner Bond clarified that the number of spaces was not a problem, which Mr. Haynes confirmed. He then asked how many spaces the applicant would have to have on Maloney Street to qualify if parking was allowed on Dellwood Street. Mr. Haynes stated that it depends on how the business is classified.

Commissioner Parks clarified that there are no "no parking" signs on the street parking and Mr. Haynes confirmed that anyone can park there.

Mrs. Guindi added that if traffic flow became an issue because of parallel parking on the street, the city could regulate that.

Chairperson Clark clarified that if the Commission granted the variance but the city determined the slab was not viable, the applicant would have to go back through the site development review process.

Commissioner Maxwell asked how many parking spaces would be available if the trees in the back are cut down. Mr. Haynes assured him that there would be more than enough. Commissioner Maxwell then clarified that it was a matter of personal choice.

The public hearing was opened for Planning Variance PV 08-09.

Mr. Jack Gressett, 1606 Panther Lane, College Station, applicant, came forward to speak in favor of the requests. He stated that he purchased the property in 1985. It was built in the early 1960s, and he has had head-in parking since then and has had no problems. He stated that he understands why the city does not want head-in parking but pointed out that downtown Bryan has it everywhere. He explained that he could tear down the trees in the back, but wants to just leave them alone and rebuild what was there before it burned. He stated that the original building was built across the property line and there was an exchange of land for the driveway. He also stated that he wanted to stay on the slab, but if the slab needed to be rebuilt he would redesign the development site.

The public hearing was closed.

Commissioner Chavarria moved to approve Planning Variance PV 08-09 based on the following findings:

- **In analysis of the special circumstances, the existence of the property since 1985, and the fact that it burned down and the applicant is trying to get back into business;**
- **It would create an undue hardship if the variance was denied;**
- **The head-in parking would not be detrimental to the area and traffic flow because of the wide streetscape and the existence of head-in parking in the whole area; and**
- **There are alternatives, but those require that the applicant most likely destroy the trees.**

Commissioner Bond seconded the motion.

Chairperson Clark asked if there was any discussion. There was none.

The motion passed with a unanimous vote.

The public hearing was opened for Planning Variance PV 08-10.

Mr. Jack Gressett, 1606 Panther Lane, College Station, applicant, repeated his previous statements in favor of the request.

The public hearing was closed.

Commissioner Horton moved to approve Planning Variance PV 08-10, subject to the condition that the existing slab is reusable and based on the following findings:

- In analysis of the special circumstances, the existence of the property since 1985, and the fact that it burned down and the applicant is trying to get back into business;
- It would create an undue hardship if the variance was denied;
- The head-in parking would not be detrimental to the area and traffic flow because of the wide streetscape and the existence of head-in parking in the whole area; and
- There are alternatives, but those require that the applicant most likely destroy the trees.

Commissioner Jones seconded the motion.

Chairperson Clark asked if there was any discussion. There was none.

The motion was passed in a unanimous vote.

11. ADJOURN.

Without objection, Chairperson Clark adjourned the regular meeting at 8:10 p.m.

These minutes were reviewed and approved by the City of Bryan Planning & Zoning Commission on the **19th** day of **June, 2008**.

John R. Clark, Chairperson
Planning and Zoning Commission
City of Bryan, Texas

Lindsey Guindi, Planning Manager and
Secretary to the Planning and Zoning
Commission